

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

KEVIN LEE GARRISON, JR.,

Defendant.

4:17-CR-3104

PRELIMINARY ORDER OF
FORFEITURE

This matter is before the Court on the plaintiff's Motion for Preliminary Order of Forfeiture ([filing 39](#)). Count I of the indictment in this case ([filing 1](#)) charged the defendant with knowingly and intentionally possessing with intent to distribute methamphetamine in violation of [21 U.S.C. §§ 841\(a\)\(1\) and \(b\)\(1\)](#). Count II charged the defendant with knowingly and intentionally distributing methamphetamine in violation of the same provisions. [Filing 1](#). The indictment also contained a forfeiture allegation seeking the forfeiture, pursuant to [21 U.S.C. § 853](#), of money seized from the defendant on June 1, 2017 on the basis that it was used or was intended to be used to facilitate the violation alleged in Count I, and/or was derived from proceeds obtained directly or indirectly from the commission of the controlled substance violation alleged in Count II. [Filing 1](#). The defendant was informed at his change of plea hearing that the forfeiture allegation included \$8,881.00 in United States currency. [Filing 40 at 14-15](#).

The defendant has pled guilty to Count I of the indictment and admitted the forfeiture allegation. [Filing 35 at 1](#). By virtue of pleading guilty to the charge and admitting the forfeiture allegation, the defendant has forfeited his interest in the subject property, and the plaintiff should be

entitled to possession of the property pursuant to [21 U.S.C. § 853](#). Therefore, the plaintiff's motion for preliminary order of forfeiture is granted.

IT IS ORDERED:

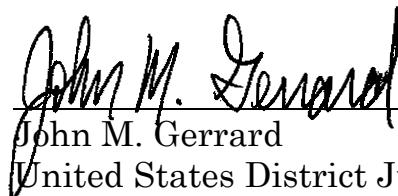
1. The plaintiff's Motion for Preliminary Order of Forfeiture ([filing 39](#)) is granted.
2. Based upon the defendant's guilty plea and admission of the forfeiture allegation of the indictment, the plaintiff is authorized to seize the \$8,881.00 in United States currency found in the defendant's possession on June 1, 2017.
3. The defendant's interest in the subject property is forfeited to the plaintiff for disposition in accordance with law, subject to the provisions of [21 U.S.C. § 853](#).
4. The subject property is to be held by the plaintiff in its secure custody and control.
5. Pursuant to [21 U.S.C. § 853\(n\)\(1\)](#), the plaintiff shall publish for at least 30 consecutive days on an official Internet government forfeiture site (www.forfeiture.gov) notice of this order, notice of publication evidencing the plaintiff's intent to dispose of the property in such manner as the Attorney General may direct, and notice that any person, other than the defendant, having or claiming a legal interest in the property must file a petition with the

Court within 30 days of the final publication of notice or of receipt of actual notice, whichever is earlier.

6. Such published notice shall state that the petition referred to in paragraph 5, above, shall be for a hearing to adjudicate the validity of the petitioner's alleged interest in the property, shall be signed by the petitioner under penalty of perjury, and shall set forth the nature and extent of the petitioner's right, title, or interest in the property and any additional facts supporting the petitioner's claim and relief sought.
7. The plaintiff may also, to the extent practicable, provide direct written notice to any person known to have alleged an interest in the property as a substitute for published notice as to those persons so notified.
8. Upon adjudication of all third-party interests, this Court will enter a final order of forfeiture pursuant to [21 U.S.C. § 853\(n\)](#), in which all interests will be addressed.

Dated this 8th day of February, 2018.

BY THE COURT:



John M. Gerrard
United States District Judge